

ASSEMBLY BILL NO. 357—ASSEMBLYMEN HETTRICK, CEGAVSKE, BERMAN,
BROWER, BROWN, CLABORN, DE BRAGA, FREEMAN, GIBBONS,
HUMKE, NOLAN, PARKS, TIFFANY, VON TOBEL AND WILLIAMS

MARCH 14, 2001

Referred to Committee on Education

SUMMARY—Revises provisions governing organization and membership of state board of education. (BDR 34-786)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; eliminating the provisions for the election of the members of the state board of education; providing for the appointment of the members of the state board of education; prohibiting certain members of the state board of education from participating in actions of the state board under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 385.021 is hereby amended to read as follows:
2 385.021 1. The state board of education consists of ~~eleven members~~
3 ~~elected by the registered voters within the following districts:~~
4 ~~—(a) District 1 consisting of all of Washoe County except census voting~~
5 ~~districts 0326, 0334, 0341, 0344, 0349, 0703, 0705, 0712, 0716, 0720,~~
6 ~~0721, 0722, 0723, 0724, 0727, 0729, 0730, 0731, 0732, 0733, 0736, 0737,~~
7 ~~0739, 0740, 0742, 0744, 0746 and 0769, that portion of census voting~~
8 ~~district 0771 located in the New Washoe City census county division,~~
9 ~~census voting district 0805, that portion of census voting district 0815~~
10 ~~located in the Pyramid Lake census county division, and census voting~~
11 ~~districts 0816, 0817, 0818, 0832, 0833, 0834, 0902, 0903, 0910, 0930,~~
12 ~~0933, 0935, 0939 and 0945.~~
13 ~~—(b) District 2 consisting of Clark County, Lincoln County, and, in Nye~~
14 ~~County, census voting districts 0060, 0065, 0070, 0075, 0080, 0085, 0090~~
15 ~~and 0095.~~
16 ~~—(c) District 3 consisting of the remainder of the state.~~
17 ~~2. Each member of the state board must be a resident of the subdistrict~~
18 ~~from which that member is elected.~~
19 ~~3. At the general election in 1992, and every 4 years thereafter:~~



- 1 ~~—(a) From district No. 1, one member of the state board must be elected~~
2 ~~for a term of 4 years.~~
3 ~~—(b) From district No. 2, four members of the state board must be elected~~
4 ~~for a term of 4 years.~~
5 ~~—(c) From district No. 3, one member of the state board must be elected~~
6 ~~for a term of 4 years.~~
7 ~~—4. At the general election in 1994, and every 4 years thereafter:~~
8 ~~—(a) From district No. 1, one member of the state board must be elected~~
9 ~~for a term of 4 years.~~
10 ~~—(b) From district No. 2, three members of the state board must be~~
11 ~~elected for a term of 4 years.~~
12 ~~—(c) From district No. 3, one member of the state board must be elected~~
13 ~~for a term of 4 years.~~
14 ~~—5.} 11 members appointed as follows:~~
15 *(a) Five members appointed by the governor, at least two of whom*
16 *must be members of the boards of trustees of schools districts.*
17 *(b) Two members appointed by the majority leader of the senate, at*
18 *least one of whom must be a member of the board of trustees of a school*
19 *district.*
20 *(c) One member appointed by the minority leader of the senate.*
21 *(d) Two members appointed by the speaker of the assembly, at least*
22 *one of whom must be a member of the board of trustees of a school*
23 *district.*
24 *(e) One member appointed by the minority leader of the*
25 *assembly.*
26 *A member of the legislature must not be appointed to serve on the state*
27 *board.*
28 *2. The board of trustees of each school district may submit to the*
29 *governor a list of nominations from among its membership for*
30 *consideration by the governor, but the governor is not limited to those*
31 *members who are so nominated when making his appointments.*
32 *3. If a member of the state board who is a member of the board of*
33 *trustees of a school district is not reelected to the board of trustees or*
34 *otherwise ceases to be a member of the board of trustees during his*
35 *service on the state board, his membership on the state board*
36 *automatically expires on the date that he ceases to be a member of the*
37 *board of trustees.*
38 *4. If a vacancy occurs on the state board, the governor shall appoint a*
39 *member to fill the vacancy until the next general election, at which election*
40 *a member must be chosen for the balance of the unexpired term. The*
41 *appointee must be a resident of the subdistrict where the vacancy occurs.*
42 ~~—6. No member of the state board may be elected to the office more~~
43 ~~than three times.} vacancy must be filled in the same manner as the~~
44 ~~original appointment for the remainder of the unexpired term.~~
45 *5. Each member of the state board serves a term of 3 years, expiring*
46 *on the first Monday in January. A member of the state board may not*
47 *serve for more than three consecutive terms. Service of 2 or more years*
48 *in filling an unexpired term constitutes a term for purposes of this*
49 *subsection.*



1 **Sec. 2.** NRS 385.030 is hereby amended to read as follows:
2 385.030 1. ~~{At its first meeting after each election and qualification~~
3 ~~of newly elected members, the}~~ *The* state board ~~{of education}~~ shall
4 organize by electing one of its members as president, to serve at the
5 pleasure of the *state* board.

6 2. The superintendent of public instruction is the secretary of the *state*
7 board and shall serve without additional salary.

8 **Sec. 3.** NRS 385.040 is hereby amended to read as follows:

9 385.040 1. The state board ~~{of education}~~ may hold at least four
10 regular meetings annually at the state capital. The secretary shall call all
11 regular meetings.

12 2. The *state* board may hold special meetings at such other times and
13 places as the *state* board may direct. The secretary shall call special
14 meetings upon the written request of the president or any three members of
15 the *state* board.

16 3. A majority of the *state* board constitutes a quorum for the
17 transaction of business, and no action of the *state* board is valid unless that
18 action receives, at a legally called meeting, the approval of a majority of all
19 board members. *If a member of the state board does not participate in a*
20 *decision, determination or action of the state board because of the*
21 *requirements of NRS 386.570, 387.1245, 387.510, 387.612, 388.368,*
22 *388.700, 391.320, 391.322, 391.323, 391.350, 391.355 or 393.085, the*
23 *necessary quorum for the transaction of business and the number of*
24 *votes necessary to act upon a matter is reduced as though the member*
25 *who does not participate were not a member of the state board.*

26 **Sec. 4.** NRS 386.507 is hereby amended to read as follows:

27 386.507 1. The subcommittee on charter schools of the state board is
28 hereby created. The president of the state board shall appoint ~~{three}~~ :

29 *(a) Three* members of the state board to serve *as regular members* on
30 the subcommittee ~~{+}~~ ; and

31 *(b) One member of the state board to serve as an alternate member on*
32 *the subcommittee.*

33 2. Except as otherwise provided in this section, the members of the
34 subcommittee serve terms of 2 years. If a member is not reelected to the
35 state board during his service on the subcommittee, his term on the
36 subcommittee expires when his membership on the state board expires.
37 Members of the subcommittee may be reappointed.

38 **Sec. 5.** NRS 386.525 is hereby amended to read as follows:

39 386.525 1. Upon approval of an application by the department, a
40 committee to form a charter school may submit the application to the board
41 of trustees of the school district in which the proposed charter school will
42 be located. If the board of trustees of a school district receives an
43 application to form a charter school, it shall consider the application at its
44 next regularly scheduled meeting, but not later than 14 days after the
45 receipt of the application, and ensure that notice of the meeting has been
46 provided pursuant to chapter 241 of NRS. The board of trustees shall
47 review the application to determine whether the application:

48 (a) Complies with NRS 386.500 to 386.610, inclusive, and the
49 regulations applicable to charter schools; and



1 (b) Is complete in accordance with the regulations of the department.

2 2. The department shall assist the board of trustees of a school district
3 in the review of an application. The board of trustees shall approve an
4 application if it satisfies the requirements of paragraphs (a) and (b) of
5 subsection 1. The board of trustees shall provide written notice to the
6 applicant of its approval or denial of the application.

7 3. If the board of trustees denies an application, it shall include in the
8 written notice the reasons for the denial and the deficiencies in the
9 application. The applicant must be granted 30 days after receipt of the
10 written notice to correct any deficiencies identified in the written notice
11 and resubmit the application.

12 4. If the board of trustees denies an application after it has been
13 resubmitted pursuant to subsection 3, the applicant may submit a written
14 request to the subcommittee on charter schools created pursuant to NRS
15 386.507, not more than 30 days after receipt of the written notice of denial,
16 to direct the board of trustees to reconsider the application. The
17 subcommittee shall consider requests for reconsideration in the order in
18 which they are received. If the subcommittee receives such a request, it
19 shall consider the request at its next regularly scheduled meeting and
20 ensure that notice of the meeting is posted in accordance with chapter 241
21 of NRS. Not more than 30 days after the meeting, the subcommittee shall
22 provide written notice of its determination to the applicant and to the board
23 of trustees. If the subcommittee denies the request for reconsideration, the
24 applicant may, not more than 30 days after the receipt of the written notice
25 from the subcommittee, appeal the determination to the district court of the
26 county in which the proposed charter school will be located. *If a member
27 of the subcommittee is also a member of the board of trustees of the
28 school district that denied the application:*

29 (a) *The member shall not participate in a determination or action of
30 the subcommittee pursuant to this subsection.*

31 (b) *Except as otherwise provided in paragraph (c), the alternate
32 member of the subcommittee shall serve in his place.*

33 (c) *If the alternate member is also a member of the board of trustees
34 of the school district that denied the application, the subcommittee shall
35 appoint a member of the state board to serve in his place who is not a
36 member of the board of trustees that denied the application.*

37 5. If the subcommittee on charter schools grants a request to direct
38 reconsideration, the written notice to the board of trustees of the school
39 district that denied the application must include, without limitation,
40 instructions to the board of trustees concerning the reconsideration of the
41 application. Not more than 30 days after receipt of the written notice from
42 the subcommittee directing the reconsideration, the board of trustees shall
43 reconsider the application in accordance with the instructions of the
44 subcommittee, make a final determination on the application and provide
45 written notice of the determination to the applicant. If, upon
46 reconsideration of the application, the board of trustees denies the
47 application, the applicant may, not more than 30 days after the receipt of
48 the written notice from the board of trustees, appeal the final determination



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1 to the district court of the county in which the proposed charter school will
2 be located.

3 **Sec. 6.** NRS 386.570 is hereby amended to read as follows:

4 386.570 1. Each pupil who is enrolled in a charter school, including,
5 without limitation, a pupil who is enrolled in a program of special
6 education in a charter school, must be included in the count of pupils in the
7 school district for the purposes of apportionments and allowances from the
8 state distributive school account pursuant to NRS 387.121 to 387.126,
9 inclusive, unless the pupil is exempt from compulsory attendance pursuant
10 to NRS 392.070. A charter school is entitled to receive its proportionate
11 share of any other money available from federal, state or local sources that
12 the school or the pupils who are enrolled in the school are eligible to
13 receive.

14 2. The governing body of a charter school may negotiate with the
15 board of trustees of the school district and the state board for additional
16 money to pay for services which the governing body wishes to offer. *A*
17 *member of the state board shall not participate in a negotiation or action*
18 *of the state board pursuant to this subsection if he is a member of the*
19 *board of trustees of the school district that sponsors the charter school.*

20 3. To determine the amount of money for distribution to a charter
21 school in its first year of operation, the count of pupils who are enrolled in
22 the charter school must initially be determined 30 days before the
23 beginning of the school year of the school district, based on the number of
24 pupils whose applications for enrollment have been approved by the
25 charter school. The count of pupils who are enrolled in the charter school
26 must be revised on the last day of the first school month of the school
27 district in which the charter school is located for the school year, based on
28 the actual number of pupils who are enrolled in the charter school.
29 Pursuant to subsection 2 of NRS 387.124, the governing body of a charter
30 school may request that the apportionments made to the charter school in
31 its first year of operation be paid to the charter school 30 days before the
32 apportionments are otherwise required to be made.

33 4. The governing body of a charter school may solicit and accept
34 donations, money, grants, property, loans, personal services or other
35 assistance for purposes relating to education from members of the general
36 public, corporations or agencies. The governing body may comply with
37 applicable federal laws and regulations governing the provision of federal
38 grants for charter schools.

39 5. If a charter school uses money received from this state to purchase
40 real property, buildings, equipment or facilities, the governing body of the
41 charter school shall assign a security interest in the property, buildings,
42 equipment and facilities to the State of Nevada.

43 **Sec. 7.** NRS 387.1245 is hereby amended to read as follows:

44 387.1245 1. The board of trustees of any school district in this state
45 whose estimated receipts from all sources provided by this chapter and
46 chapter 374 of NRS are less than the total estimated receipts from these
47 sources in the final approved budget for the fiscal year, and which cannot
48 therefore provide a minimum program of education and meet its contract



1 obligations, may apply for emergency financial assistance from the state
2 distributive school account in the state general fund.

3 2. The application must be made to the state board of education in the
4 form prescribed by the superintendent of public instruction, and in
5 accordance with guidelines for evaluating needs for emergency financial
6 assistance as established by the state board of education.

7 3. Before acting on any such application, the state board of education
8 and state board of examiners, jointly, shall determine the difference
9 between the total amount of money appropriated and authorized for
10 expenditure during the current biennium from the state distributive school
11 account in the state general fund and the total amount of money estimated
12 to be payable from that fund during the biennium, and shall make no
13 distribution in excess of that difference.

14 4. The state board of education shall review each application and shall
15 by resolution find the least amount of additional money, if any, which it
16 deems necessary to enable the board of trustees of the applying school
17 district to provide a minimum educational program and meet its irreducible
18 contract obligations. In making this determination, the state board of
19 education shall consider also the amount available in the state distributive
20 school account in the state general fund and the anticipated amount of
21 future applications, so that no deserving school district will be wholly
22 denied relief. Any money allocated by the state board of education under
23 this section may not exceed, when added to all other estimated resources,
24 the total estimated receipts in the final approved budget of the applying
25 school district for the fiscal year.

26 5. If the state board of education finds that emergency assistance
27 should be granted to an applying school district, it shall transmit its
28 resolution finding the amount to the state board of examiners, along with a
29 report of its then current estimate of the total requirements to be paid from
30 the state distributive school account in the state general fund during the
31 then current fiscal year.

32 6. The state board of examiners shall independently review each
33 resolution so transmitted by the state board of education, may require the
34 submission of such additional justification as it deems necessary, and shall
35 find by resolution the amount of emergency assistance, if any, to be
36 granted. The board may defer, and subsequently grant or deny, any part of
37 a request. Any emergency assistance granted by the state board of
38 examiners may not exceed, when added to all other estimated resources,
39 the total estimated receipts in the final approved budget of the applying
40 school district for the fiscal year.

41 7. The state board of examiners shall transmit one copy of its finding
42 to the state board of education and one copy to the state controller. A claim
43 pursuant to a grant of emergency assistance must be paid from the state
44 distributive school account in the state general fund as other claims against
45 the state are paid.

46 8. Money received by a school district pursuant to a grant of relief may
47 be expended only in accordance with the approved budget of that school
48 district for the fiscal year for which the grant is made. No formal action to
49 incorporate the money so received in the approved budget is required, but



1 the receipts must be reported as other receipts are reported and explained in
2 a footnote as medium-term obligations are explained.

3 9. The state board of education shall transmit to the legislature a report
4 of each grant of emergency assistance paid pursuant to this section.

5 *10. A member of the state board of education shall not participate in*
6 *a determination or action of the state board of education pursuant to this*
7 *section regarding an application if he is a member of the board of*
8 *trustees that submitted the application.*

9 **Sec. 8.** NRS 387.510 is hereby amended to read as follows:

10 387.510 1. Whenever a county is abolished as provided in section 36
11 of article IV of the constitution of the State of Nevada and NRS 243.420 to
12 243.455, inclusive, the county school district whose boundaries are
13 conterminous with the boundaries of the county abolished shall, by such
14 action, also be abolished.

15 2. When all of the territory of an abolished county is included within
16 the territory of an existing county, the territory of the abolished county
17 school district shall be included within the county school district whose
18 boundaries are conterminous with the boundaries of the existing county.

19 3. When all of the territory of an abolished county is included within
20 the territory of two or more existing counties, the territory of the abolished
21 county school district shall be included within the territory of the county
22 school districts whose boundaries are conterminous with the boundaries of
23 the existing counties.

24 4. When a portion of a county is detached and annexed to another
25 county, that portion so detached and annexed shall become a part of the
26 county school district whose boundaries are conterminous with the
27 boundaries of the county to which the portion is annexed.

28 5. When territory is taken from one county school district and annexed
29 to another, the territory becomes liable to taxation for the bonded
30 indebtedness of the district to which it is annexed.

31 6. The state board ~~of education~~ shall, by order entered on its minutes,
32 within 60 days after the changes, determine what proportion of the
33 outstanding bonded indebtedness of the county school district, from which
34 territory was taken, was incurred for the acquisition or improvement of
35 school sites, buildings or fixtures situated in the territory transferred. The
36 district to which the territory was annexed shall thereupon become liable
37 for the proportion of the indebtedness so determined. *A member of the*
38 *state board shall not participate in a determination or action of the state*
39 *board pursuant to this subsection if he is a member of the board of*
40 *trustees of the school district from which territory was taken or the*
41 *district to which territory was annexed.*

42 **Sec. 9.** NRS 387.612 is hereby amended to read as follows:

43 387.612 1. Money received by the state board pursuant to NRS
44 482.37936 must be deposited in the fund for public education which is
45 hereby created as a special revenue fund in the state treasury. Money in the
46 fund must not be commingled with money from other sources. The state
47 board shall disburse the money in the fund to schools in this state, upon the
48 request of the school or the board of trustees of the school district in which
49 the school is located, giving preference to those schools that the state board



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1 or the board of trustees of the school district in which the school is located
2 has classified as serving a significant proportion of pupils who are
3 economically disadvantaged. *A member of the state board shall not*
4 *participate in a decision or action of the state board pursuant to this*
5 *subsection if the school that receives the disbursement is located within*
6 *the school district that he represents as a member of the board of*
7 *trustees.*

8 2. A school that receives money pursuant to this section may expend
9 the money only to purchase textbooks and laboratory equipment and to pay
10 for field trips for pupils.

11 **Sec. 10.** NRS 388.368 is hereby amended to read as follows:

12 388.368 1. The state board, in consultation with the assisting
13 agencies and the business community that will be included in the
14 partnerships established pursuant to paragraph (a) of subsection 4, shall:

15 (a) Adopt a comprehensive program to offer pupils who are enrolled in
16 grades 7 to 12, inclusive, the skills to make the transition from school to
17 careers; and

18 (b) Carry out and review the program.

19 2. The program to provide pupils with the skills to make the transition
20 from school to careers may be designed to achieve the following
21 objectives:

22 (a) To provide the pupils participating in the program with an equitable
23 opportunity to learn about and explore various career options of their
24 choice before the completion of middle school.

25 (b) To offer career counseling for interested pupils who are enrolled in
26 grades 7 to 12, inclusive.

27 (c) To provide information concerning the program.

28 (d) To provide the pupils participating in the program with an equitable
29 opportunity to achieve high academic standards and to obtain training in
30 occupations of their choice. If desired, a pupil who has chosen to receive
31 training in an occupation may choose to receive training in another
32 occupation of his choice, or may terminate his participation in the program,
33 without the loss of credit, at such times as are allowed by the state board,
34 but in no case may a pupil be required to continue with the training or
35 participate in the program for more than one semester.

36 (e) To continue and enhance existing technical and vocational education
37 programs that are voluntary, including, without limitation, programs
38 adopted pursuant to the Carl D. Perkins Vocational and Applied
39 Technology Education Act, ~~40~~ 20 U.S.C. §§ 2301 et seq. ~~41~~

40 (f) To allow a system for awarding certificates of technical or
41 vocational proficiency. Such a certificate must not be awarded as a
42 replacement for or in lieu of a high school diploma.

43 (g) To allow pupils participating in the program to participate in
44 educational activities in the workplace.

45 (h) To offer pupils participating in the program job training and
46 placement or programs for preparation for postsecondary education during
47 the 12th grade, or both.

48 (i) To encourage the relationship among the business community,
49 school districts, charter schools and universities and community colleges



1 within the University and Community College System of Nevada to
2 promote job training and internships.

3 (j) To offer statewide participation in the program for pupils who are
4 enrolled in grades 7 to 12, inclusive.

5 (k) To encourage teachers and other educational personnel to continue
6 their educational development related to the program.

7 (l) To adopt a process to evaluate the program and to integrate
8 improvements in compliance with the Family Educational Rights and
9 Privacy Act, ~~42~~ 20 U.S.C. §§ 1232g et seq. ~~42~~ To carry out the purposes
10 of this paragraph, the state board may adopt a system for evaluating
11 participation in the program only to produce aggregate statistical
12 information needed to evaluate the program, but not to ensure that a pupil
13 completes job training for a particular career. This paragraph does not
14 prohibit the collection of data necessary to carry out the provisions of NRS
15 389.015 and 389.017.

16 3. The program adopted by the state board must be designed to offer
17 an equitable opportunity for all pupils to participate in the program,
18 including, without limitation:

- 19 (a) Male and female pupils;
20 (b) Pupils who are of diverse racial, ethnic and cultural backgrounds;
21 (c) Pupils whose primary language is not English;
22 (d) Pupils who have disabilities;
23 (e) Pupils who are gifted and talented;
24 (f) Pupils who are at high risk of dropping out of school; and
25 (g) Pupils who are disadvantaged, economically or otherwise.

26 4. To be eligible to receive funding for and to participate in the
27 program established pursuant to this section, a school district, a charter
28 school or a university or community college within the University and
29 Community College System of Nevada must submit to the state board an
30 application that includes:

31 (a) A description of the partnership between the school district, charter
32 school, university or community college and the business community that
33 will be established to carry out the program adopted pursuant to this
34 section. The partnership must consist of employers, representatives of local
35 educational agencies, local postsecondary educational institutions,
36 representatives of labor organizations, pupils, parents and persons
37 representing rehabilitation, employment and training services.

38 (b) A plan that describes how the partnership will carry out the
39 objectives of the program, including specific requirements for periodic
40 review and approval by the members of the partnership representing the
41 business community of the means of obtaining those objectives. The
42 members of the partnership who perform the periodic review shall make a
43 determination of whether the program is actually improving the skills of
44 the participants to make the transition from school to careers. The members
45 of the partnership who perform the periodic review must include employers
46 who are likely to hire pupils who complete the program as well as other
47 employers who are active in the establishment of programs for job training
48 and placement.



1 (c) A description of an annual evaluation to be conducted by the
2 partnership and used to measure the success of the program. The results of
3 the evaluation must be submitted to the state board and contain specific
4 comments from the members of the partnership representing the business
5 community regarding the effectiveness of the program in producing pupils
6 who are ready for employment in the workplace.

7 (d) Other information the state board may require to determine the
8 eligibility of the school district or the charter school to participate in the
9 program.

10 5. The state board, in consultation with the assisting agencies and the
11 business community that will be included in the partnerships established
12 pursuant to paragraph (a) of subsection 4, shall:

13 (a) Make a determination on an application that is submitted pursuant to
14 this section.

15 (b) Submit a report containing its findings, conclusions and
16 recommendations regarding the program adopted pursuant to this section to
17 each regular session of the legislature on or before February 1 of each odd-
18 numbered year.

19 6. *A member of the state board shall not participate in a*
20 *determination or action of the state board pursuant to this section*
21 *regarding an application if he is a member of the board of trustees that*
22 *submitted the application.*

23 7. As used in this section, "assisting agencies" means the commission
24 on economic development, the department of employment, training and
25 rehabilitation, the welfare division of the department of human resources
26 and the University and Community College System of Nevada.

27 **Sec. 11.** NRS 388.700 is hereby amended to read as follows:

28 388.700 1. Except as otherwise provided in subsections 2, 3 and 6,
29 after the last day of the first month of the school year, the ratio in each
30 school district of pupils per class in kindergarten and grades 1, 2 and 3 per
31 licensed teacher designated to teach those classes full time must not exceed
32 15 to 1 in classes where core curriculum is taught. In determining this ratio,
33 all licensed educational personnel who teach kindergarten or grade 1, 2 or
34 3 must be counted except teachers of art, music, physical education or
35 special education, counselors, librarians, administrators, deans and
36 specialists.

37 2. A school district may, within the limits of any plan adopted pursuant
38 to NRS 388.720, assign a pupil whose enrollment in a grade occurs after
39 the last day of the first month of the school year to any existing class
40 regardless of the number of pupils in the class.

41 3. The state board may grant to a school district a variance from the
42 limitation on the number of pupils per class set forth in subsection 1 for
43 good cause, including the lack of available financial support specifically
44 set aside for the reduction of pupil-teacher ratios. *A member of the state*
45 *board shall not participate in an action of the state board pursuant to this*
46 *subsection if he is a member of the board of trustees of the school district*
47 *for which the variance is proposed to be granted.*

48 4. The state board shall, on or before February 1 of each odd-
49 numbered year, report to the legislature on:



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1 (a) Each variance granted by it during the preceding biennium,
2 including the specific justification for the variance.

3 (b) The data reported to it by the various school districts pursuant to
4 subsection 2 of NRS 388.710, including an explanation of that data, and
5 the current pupil-teacher ratios per class in kindergarten and grades 1, 2
6 and 3.

7 5. The department shall, on or before November 15 of each year,
8 report to the chief of the budget division of the department of
9 administration and the fiscal analysis division of the legislative counsel
10 bureau:

11 (a) The number of teachers employed;

12 (b) The number of teachers employed in order to attain the ratio
13 required by subsection 1;

14 (c) The number of pupils enrolled; and

15 (d) The number of teachers assigned to teach in the same classroom
16 with another teacher or in any other arrangement other than one teacher
17 assigned to one classroom of pupils,
18 during the current school year in kindergarten and grades 1, 2 and 3 for
19 each school district.

20 6. The provisions of this section do not apply to a charter school.

21 **Sec. 12.** NRS 391.320 is hereby amended to read as follows:

22 391.320 1. The state board ~~of education~~ may suspend or revoke the
23 license of any teacher for any cause specified by law.

24 2. *A member of the state board shall not participate in a decision or*
25 *action of the state board to suspend or revoke the license of a teacher if*
26 *he is a member of the board of trustees of the school district in which the*
27 *licensee is employed.*

28 **Sec. 13.** NRS 391.322 is hereby amended to read as follows:

29 391.322 1. If the board of trustees of a school district or the
30 superintendent of public instruction or his designee submits a
31 recommendation to the state board for the suspension or revocation of a
32 license issued pursuant to this chapter, the state board shall give written
33 notice of the recommendation to the person to whom the license has been
34 issued.

35 2. A notice given pursuant to subsection 1 must contain:

36 (a) A statement of the charge upon which the recommendation is based;

37 (b) A copy of the recommendation received by the state board;

38 (c) A statement that the licensee is entitled to a hearing before a hearing
39 officer if the licensee makes a written request for the hearing as provided
40 by subsection 3; and

41 (d) A statement that the grounds and procedure for the suspension or
42 revocation of a license are set forth in NRS 391.320 to 391.361, inclusive.

43 3. A licensee to whom notice has been given pursuant to this section
44 may request a hearing before a hearing officer selected pursuant to
45 subsection 4. Such a request must be in writing and must be filed with the
46 superintendent of public instruction within 15 days after receipt of the
47 notice by the licensee.

48 4. Upon receipt of a request filed pursuant to subsection 3, the
49 superintendent of public instruction shall request from the American



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1 Arbitration Association a list of seven potential arbitrators to act as hearing
2 officers. The licensee requesting a hearing and the superintendent of public
3 instruction shall select a person to serve as hearing officer from the list
4 provided by alternately striking one name until the name of only one
5 arbitrator remains. The superintendent of public instruction shall strike the
6 first name.

7 5. If no request for a hearing is filed within the time specified in
8 subsection 3, the state board may suspend or revoke the license or take no
9 action on the recommendation.

10 *6. A member of the state board shall not participate in a decision or*
11 *action of the state board pursuant to this section if he is a member of the*
12 *board of trustees of the school district in which the licensee is employed.*

13 **Sec. 14.** NRS 391.323 is hereby amended to read as follows:

14 391.323 1. Within 30 days after his selection as hearing officer
15 pursuant NRS 391.322, a hearing officer shall conduct a hearing. Within 15
16 days after the conclusion of the hearing, the hearing officer shall prepare
17 and file with the superintendent of public instruction a report containing:

18 (a) A recommendation as to whether the license of the licensee should
19 be suspended or revoked; and

20 (b) Findings of fact and conclusions of law which support the
21 recommendation.

22 2. The state board may accept or reject the recommendation or refer
23 the report back to the hearing officer for further evidence and
24 recommendation, and shall notify the teacher, administrator or other
25 licensed employee in writing of its decision. The decision of the state board
26 is a final decision in a contested case.

27 *3. A member of the state board shall not participate in a decision or*
28 *action of the state board pursuant to this section if he is a member of the*
29 *board of trustees of the school district in which the licensee is employed.*

30 **Sec. 15.** NRS 391.350 is hereby amended to read as follows:

31 391.350 1. Any teacher or other licensed employee employed by any
32 board for a specified time who willfully refuses or fails to fulfill his
33 employment obligations after he has notified the board of his acceptance of
34 employment under subsection 3 of NRS 391.3196 or subsection 2 of NRS
35 391.3197 or to comply with the provisions of his contract after it has been
36 signed without first obtaining the written consent of the board may be
37 found guilty of unprofessional conduct. The board shall not unreasonably
38 withhold its consent. Any administrator who willfully secures the signature
39 on a statement of intent to accept employment of any teacher or other
40 licensed employee who has notified the board of another school district in
41 this state of his acceptance of employment is guilty of unprofessional
42 conduct, unless the employee has first obtained the written consent of the
43 board to which he has given notice of acceptance. If the failure or refusal to
44 comply with the provisions of the contract is the result of having
45 subsequently executed an employment contract with another board in this
46 state without the written consent of the board first employing him, the
47 second contract is void.

48 2. Upon receiving a formal complaint from the board, substantiated by
49 conclusive evidence of a teacher's failure or refusal under subsection 1 or



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1 that an administrator has willfully secured such a signature, the state board
2 may suspend or revoke the license of the teacher or administrator after
3 notice and opportunity for a hearing have been provided pursuant to NRS
4 391.322 and 391.323.

5 3. *A member of the state board shall not participate in a decision or*
6 *action of the state board pursuant to this section if he is a member of the*
7 *board of trustees of the school district in which the licensee is employed.*

8 4. The superintendent of public instruction shall notify state agencies
9 for education in other states of any revocation pursuant to this section.

10 **Sec. 16.** NRS 391.355 is hereby amended to read as follows:

11 391.355 1. The state board shall adopt rules of procedure for the
12 conduct of hearings conducted pursuant to NRS 391.323.

13 2. The rules of procedure must provide for boards of trustees of school
14 districts or the superintendent of public instruction or his designee to bring
15 charges, when cause exists.

16 3. *A member of the state board shall not participate in a hearing*
17 *regarding the suspension or revocation of a license of a person if he is a*
18 *member of the board of trustees of the school district in which the*
19 *licensee is employed.*

20 4. A hearing officer selected pursuant to NRS 391.322 shall, upon the
21 request of a party, issue subpoenas to compel the attendance of witnesses
22 and the production of books, records, documents or other pertinent
23 information to be used as evidence in hearings conducted pursuant to NRS
24 391.323.

25 **Sec. 17.** NRS 392.126 is hereby amended to read as follows:

26 392.126 1. There is hereby created in each county at least one
27 advisory board to review school attendance. The membership of each such
28 board may consist of:

29 (a) One probation officer in the county who works on cases relating to
30 juveniles, appointed by the judge or judges of the juvenile court of the
31 county;

32 (b) One representative of a law enforcement agency in the county who
33 works on cases relating to juveniles, appointed by the judge or judges of
34 the juvenile court of the county;

35 (c) One representative of the district attorney for the county, appointed
36 by the district attorney;

37 (d) One parent or legal guardian of a pupil who is enrolled in a public
38 school in the county, or his designee or alternate who is also a parent or
39 legal guardian, appointed by the president of the board of trustees of the
40 school district;

41 (e) One member of the board of trustees of the school district, *other*
42 *than the member who serves on the state board*, appointed by the
43 president of the board of trustees;

44 (f) One school counselor or school teacher employed by the school
45 district, appointed by an organization or association that represents licensed
46 educational personnel in the school district;

47 (g) One deputy sheriff in the county, appointed by the sheriff of the
48 county; and



1 (h) One representative of the local office of the division of child and
2 family services of the department of human resources, appointed by the
3 executive head of that office.

4 2. The members of each such board shall elect a chairman from among
5 their membership.

6 3. Each member of such a board must be appointed for a term of 2
7 years. A vacancy in the membership of the board must be filled in the same
8 manner as the original appointment for the remainder of the unexpired
9 term.

10 4. Each member of such a board serves without compensation, except
11 that, for each day or portion of a day during which a member of the board
12 attends a meeting of the board or is otherwise engaged in the business of
13 the board, he is entitled to receive the per diem allowance and travel
14 expenses provided for state officers and employees generally. The board of
15 trustees of the school district shall pay the per diem allowance and travel
16 expenses from the general fund of the school district.

17 **Sec. 18.** NRS 393.085 is hereby amended to read as follows:

18 393.085 1. Any resident of a school district who is aggrieved by a
19 decision of the board of trustees to close or change the use of a school
20 under NRS 393.080 may, within 30 days after the decision is rendered,
21 make a written request to the board for a hearing for reconsideration of the
22 decision. The board shall schedule the hearing within 30 days after
23 receiving the request and shall publish a notice of the time and place of the
24 hearing in a newspaper of general circulation in the county at least 10 days
25 before the hearing.

26 2. Any resident of the school district who is aggrieved by the decision
27 of the board of trustees at the reconsideration hearing may, within 30 days
28 after that decision is rendered, make a written request to the state board ~~of~~
29 ~~education~~ for a hearing to review the decision. The state board ~~of~~
30 ~~education~~ shall conduct the hearing in the county in which the school is
31 located within 30 days after receiving the request and shall publish a notice
32 of the time and place of the hearing in a newspaper of general circulation in
33 the county at least 10 days before the hearing. The state board ~~of~~
34 ~~education~~ shall hear the matter de novo. The decision of the state board ~~of~~
35 ~~education~~ after its hearing is a final decision subject to judicial review as
36 provided by law.

37 *3. A member of the state board shall not participate in a hearing or*
38 *decision of the state board pursuant to this section if he is a member of*
39 *the board of trustees of the school district that made the decision which is*
40 *being reviewed by the state board.*

41 **Sec. 19.** NRS 293.103 is hereby amended to read as follows:

42 293.103 "School officers" means the board of regents of the
43 University of Nevada ~~and members of the state board of education~~ and
44 school district trustees.

45 **Sec. 20.** NRS 293.109 is hereby amended to read as follows:

46 293.109 "State officer" means:

- 47 1. The governor;
48 2. The lieutenant governor;
49 3. The secretary of state;



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- 1 4. The state treasurer;
- 2 5. The state controller;
- 3 6. The attorney general;
- 4 7. A justice of the supreme court;
- 5 8. A state senator;
- 6 9. A state assemblyman;
- 7 10. A regent of the University of Nevada; *or*
- 8 11. A ~~member of the state board of education; or~~
- 9 ~~12. A~~ district judge.

10 **Sec. 21.** NRS 293.195 is hereby amended to read as follows:

11 293.195 1. Judicial offices, school offices, the office of county
12 sheriff, the board of regents of the University of Nevada, city and town
13 officers ~~1. the state board of education~~ and members of boards of hospital
14 trustees of public hospitals are hereby designated nonpartisan offices.

15 2. No words designating the party affiliation of a candidate for
16 nonpartisan offices may be printed upon the ballot.

17 **Sec. 22.** NRS 385.017, 385.0175, 385.018, 385.019, 385.022,
18 385.0225, 385.023, 385.0235, 385.024, 385.0245, 385.025, 385.0255,
19 385.0257, 385.0259, 385.026 and 385.0265 are hereby repealed.

20 **Sec. 23.** 1. The five members of the state board of education who
21 were elected at the general election in November 1998, serve until their
22 terms expire on December 31, 2002. If a vacancy occurs in one of those
23 five terms of office before the expiration, the governor shall appoint a
24 member for the remainder of the unexpired term.

25 2. Upon the expiration of the terms of office of the five members of
26 the state board of education who were elected at the general election in
27 November 1998:

28 (a) The governor shall appoint, not later than January 5, 2003, one
29 member to the state board of education in accordance with the amendatory
30 provisions of section 1 of this act who is a member of the board of trustees
31 of a school district, to a term commencing on January 5, 2003.

32 (b) The majority leader designate of the senate and the speaker
33 designate of the assembly shall each appoint, not later than January 5,
34 2003, one member to the state board of education who is a member of the
35 board of trustees of a school district in accordance with the amendatory
36 provisions of section 1 of this act, to terms commencing on January 5,
37 2003.

38 (c) The minority leader designate of the senate and the minority leader
39 designate of the assembly shall each appoint, not later than January 5,
40 2003, one member to the state board of education in accordance with the
41 amendatory provisions of section 1 of this act, to terms commencing on
42 January 5, 2003.

43 **Sec. 24.** 1. The six members of the state board of education who
44 were elected at the general election in November 2000, serve until their
45 terms expire on December 31, 2004. If a vacancy occurs in one of those six
46 terms of office before the expiration, the governor shall appoint a member
47 for the remainder of the unexpired term.



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1 2. Upon the expiration of the terms of office of the six members of the
2 state board of education who were elected at the general election in
3 November 2000:

4 (a) The governor shall appoint, not later than January 3, 2005, four
5 members to the state board of education in accordance with the amendatory
6 provisions of section 1 of this act, to terms commencing on January 3,
7 2005. At least one of the members appointed by the governor must be a
8 member of the board of trustees of a school district.

9 (b) The majority leader of the senate and speaker of the assembly shall
10 each appoint, not later than January 3, 2005, one member to the state board
11 of education in accordance with the amendatory provisions of section 1 of
12 this act, to terms commencing on January 3, 2005.

13 **Sec. 25.** 1. This section and sections 1 and 19 to 24, inclusive, of
14 this act become effective on July 1, 2001.

15 2. Sections 2 to 18, inclusive, of this act become effective on
16 January 1, 2003.

LEADLINES OF REPEALED SECTIONS

385.017 Definitions.

**385.0175 Maps of subdistricts: Duties of director of legislative
counsel bureau.**

385.018 Maps of subdistricts: Duties of secretary of state.

385.019 Omitted area: Attachment to appropriate subdistrict.

385.022 Election districts.

385.0225 District 1: Subdistrict A.

385.023 District 1: Subdistrict B.

385.0235 District 2: Subdistrict A.

385.024 District 2: Subdistrict B.

385.0245 District 2: Subdistrict C.

385.025 District 2: Subdistrict D.

385.0255 District 2: Subdistrict E.

385.0257 District 2: Subdistrict F.

385.0259 District 2: Subdistrict G.

385.026 District 3: Subdistrict A.

385.0265 District 3: Subdistrict B.

